

REMARKS

Claims 1-7 were examined and reported in the Office Action. Claims 1-7 are rejected. Claims 1-7 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. Double Patenting

It is asserted in the Office Action that claims 1-7 are rejected on the ground of nonstatutory double patenting over claims 1-6 of U. S. Patent No. 6,707,851 since the claims if allowed would improperly extend the “*right to exclude*” already granted in the patent.

Applicant submits a terminal disclaimer in compliance with 37 CFR 1.321(c) with this response.

II. 35 U.S.C. § 102(e)

A. It is asserted in the Office Action that claims 1-7 are rejected under 35 U.S.C. § 102(e), as being anticipated by U. S. Patent No. 6,400,831 issued to Lee et al. (“Lee”). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2131,

‘[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.’ (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). ‘The identical invention must be shown in as complete detail as is contained in the ... claim.’ (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Lee discloses a method of segmenting without knowledge of color, shape or motion (see Lee, column 6, lines 7-10). Lee also teaches a method of forming boundaries for identified

semantic objects based on user input. Lee, however, does not teach, disclose or suggest Applicant's amended claim 1 limitations of

- a) defining and primarily segmenting objects existing in a first frame of a video sequence manually or semi-manually based on spatial information; and b) automatically segmenting the objects defined and segmented the first frame in a second frame within a moving video sequence by performing object-tracking based on movement of the objects defined and segmented in the first frame.

Since Lee does not teach, disclose or suggest all of Applicant's amended claim 1 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(e) has not been adequately set forth relative to Lee. Therefore, Applicant's amended claim 1 is not anticipated by Lee. Additionally, the claims that directly or indirectly depend on claim 1, namely claims 2-7, are also not anticipated by Lee for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 102(e) rejections for claims 1-7 is respectfully requested.

B. It is asserted in the Office Action that claims 1 and 5-7 are rejected under 35 U.S.C. § 102(e), as being anticipated by U. S. Patent No. 5,969,755 issued to Courtney ("Courtney"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

Courtney discloses automatic indexing using a segmentor based on motion. In Courtney, the segmentor uses meta-information including size, shape, position, time-stamp and image and classifies objects as moving or stationary. Courtney, however, does not teach, disclose or suggest Applicant's amended claim 1 limitations of

- a) defining and primarily segmenting objects existing in a first frame of a video sequence manually or semi-manually based on spatial information; and b) automatically segmenting the objects defined and segmented the first frame in a second frame within a moving video sequence by performing object-tracking based on movement of the objects defined and segmented in the first frame.

Since Courtney does not teach, disclose or suggest all of Applicant's amended claim 1 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(e) has not been adequately set forth relative to Courtney. Therefore, Applicant's amended claim 1

is not anticipated by Courtney. Additionally, the claims that directly or indirectly depend on claim 1, namely claims 5-7, are also not anticipated by Courtney for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 102(e) rejections for claims 1 and 5-7 is respectfully requested.

C. It is asserted in the Office Action that claims 1-2 and 4-7 are rejected under 35 U.S.C. § 102(e), as being anticipated by U. S. Patent No. 6,738,100 issued to Hampapur et al. ("Hampapur"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

Hampapur discloses a method of detecting scene changes by extracting chromatic differences from a pair of video frames based on the chromatic differences and a first threshold. Hampapur then extracts a structural difference and uses a second threshold to select key frames. These thresholds are user selectable. Hampapur, however, does not teach, disclose or suggest Applicant's amended claim 1 limitations of

a) defining and primarily segmenting objects existing in a first frame of a video sequence manually or semi-manually based on spatial information; and b) automatically segmenting the objects defined and segmented the first frame in a second frame within a moving video sequence by performing object-tracking based on movement of the objects defined and segmented in the first frame.

Since Hampapur does not teach, disclose or suggest all of Applicant's amended claim 1 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(e) has not been adequately set forth relative to Hampapur. Therefore, Applicant's amended claim 1 is not anticipated by Hampapur. Additionally, the claims that directly or indirectly depend on claim 1, namely claims 2 and 4-7, are also not anticipated by Hampapur for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 102(e) rejections for claims 1-2 and 4-7 is respectfully requested.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-7 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

PETITION FOR EXTENSION OF TIME

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on July 31, 2007, Applicant respectfully petitions the Commissioner for a two (2) month extension of time, extending the period for response to December 31, 2007. The Commissioner is hereby authorized to charge payment to Deposit Account No. 02-2666 in the amount of \$230.00 to cover the petition filing fee for a 37 C.F.R. 1.17(a)(2) small entity. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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Dated: 12-28-2007

By: 

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.

Jean Svoboda 

Date: 12/28/07